

# **Exhibit A**

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IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DAVE SCARDINA, individually and ) Docket No. 11 C 3149  
on behalf of a class, )  
)  
Plaintiffs, )  
)  
vs. )  
)  
MIDLAND CREDIT MANAGEMENT, INC., )  
et al., ) Chicago, Illinois  
) August 31, 2011  
Defendants. ) 10:40 o'clock a.m.

TRANSCRIPT OF PROCEEDINGS - STATUS  
BEFORE THE HONORABLE GEORGE W. LINDBERG

APPEARANCES:

For the Plaintiffs: EDELMAN, COMBS, LATTURNER & GOODWIN  
BY: MS. CASSANDRA P. MILLER  
MR. CURTIS C. WARNER  
120 S. LaSalle St., 18th Floor  
Chicago, Illinois 60603

For the Defendants: DYKEMA GOSSETT  
BY: MS. RENEE L. ZIPPRICH  
10 South Wacker Drive, Suite 2300  
Chicago, Illinois 60606

Court Reporter: MR. JOSEPH RICKHOFF  
Official Court Reporter  
219 S. Dearborn St., Suite 1232  
Chicago, Illinois 60604  
(312) 435-5562

\* \* \* \* \*

PROCEEDINGS RECORDED BY  
MECHANICAL STENOGRAPHY  
TRANSCRIPT PRODUCED BY COMPUTER

1 THE CLERK: 11 C 3149, Scardina vs. Midland Credit.

2 MS. ZIPPRICH: Good morning, your Honor, Renee  
3 Zipprich here for the defendants.

4 MS. MILLER: Good morning, your Honor, Cassandra  
5 Miller on behalf of the plaintiff.

6 MR. WARNER: Good morning, your Honor, Curtis Warner  
7 on behalf of the plaintiff.

8 THE COURT: Okay. Why don't you -- I have got  
9 extensive notes, but I would rather hear it from you.

10 Surely you have settled by now.

11 (Laughter.)

12 MS. ZIPPRICH: No, but we've had some really good  
13 conversations.

14 THE COURT: That is good.

15 MS. ZIPPRICH: Your Honor --

16 THE COURT: Have they been about the case?

17 (Laughter.)

18 MS. ZIPPRICH: About the case. We were talking about  
19 our summer. That was a really pleasant conversation. No.

20 Your Honor ordered the parties to get together and  
21 have another Rule 37 conference, which was very productive.  
22 We got together last week. We came to some agreements on  
23 discovery. We agreed upon certain -- the scope of how we  
24 would address class discovery.

25 I wasn't at the last hearing. My colleague

1 Mr. Natarelli was here. And he reported to me, when I was on  
2 vacation, over the phone that there was a discussion about  
3 sampling. And it's really the best way to go about this sort  
4 of discovery, because we just -- it would just take forever to  
5 try to get to the relevant information if we didn't do a  
6 sampling. Counsel has agreed to a sampling.

7 And we have agreed to a number of other issues that  
8 were on the table, but the biggest issue, I think, was the  
9 class discovery. I'm not sure if your Honor has had a chance  
10 to review the plan that we submitted. That was prepared by  
11 plaintiffs' counsel. We signed off on it. It definitely  
12 memorialized all of our agreements.

13 We are prepared to file a motion, if your Honor needs  
14 to see something in writing. But as was presented to your  
15 Honor in the report, it's going to take us a good three months  
16 to get through this sort of sampling because there's so many  
17 different systems that we have to access on defendants' sites  
18 in different locations to get the material.

19 And I'm not going to speak for counsel, but at the  
20 meeting, it seemed acceptable to them. And, so, we would just  
21 ask your Honor to allow us that amount of time to get through  
22 that class discovery and, then, resolve any other issues that  
23 are on the table.

24 THE COURT: Is that about it?

25 MS. MILLER: We would leave it to the Court's

1 discretion as to whether or not to extend the deadline.  
2 Obviously, we need the information to proceed forward with our  
3 class certification motion. Counsel's represented that that's  
4 the amount of time it would take, and we're moving forward on  
5 that basis.

6 THE COURT: Let us have you back, then, on November  
7 30th at 10:00 o'clock.

8 MS. ZIPPRICH: Great.

9 THE COURT: We will see where you are at that point.

10 MS. ZIPPRICH: Okay.

11 THE COURT: Thanks.

12 MS. ZIPPRICH: Thank you very much.

13 MR. WARNER: Just as a housekeeping matter, your  
14 Honor, you do get to keep this case. Judge Kocoras denied the  
15 motion to consolidate at 9:30 this morning.

16 MS. ZIPPRICH: Lucky you.

17 THE COURT: I am getting used to it.

18 (Laughter.)

19 MS. ZIPPRICH: There is still is a MDL motion  
20 pending. So, there is still a chance that the cases --  
21 unfortunately for your Honor, you might have four of these  
22 cases consolidated in front of you. We'll find out in the  
23 next month.

24 THE COURT: The more the merrier.

25 MS. ZIPPRICH: Okay. Thank you.

1 THE COURT: Thanks, counsel.

2 \* \* \* \* \*

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4 I certify that the foregoing is a correct transcript from the  
5 record of proceedings in the above-entitled matter.

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/s/ Joseph Rickhoff  
Official Court Reporter

September 1, 2011

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